

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

JANINE ZIAHET and	)	
MONDAKAN OCTAVIEN ZIAHET	)	
	)	
Plaintiffs,	)	Civil Action No. 4:16-cv-00188-ALM
	)	
vs.	)	
	)	
JOHN F. KELLY <sup>1</sup> , Secretary of the	)	
Department of Homeland Security;	)	
THE DEPARTMENT OF HOMELAND	)	
SECURITY; JAMES McCAMENT <sup>2</sup> ,	)	
Acting Director of the United States	)	
Citizenship and Immigration Services;	)	
TRACY TARANGO, Field Office	)	
Director, United States Citizenship	)	
And Immigration Services; and	)	
THE UNITED STATES CITIZENSHIP	)	
AND IMMIGRATION SERVICES,	)	
	)	
Defendants.	)	

**JOINT MOTION TO DISMISS**

The parties in the above cause, being Plaintiffs Mondakan Ziah et and Janine Ziah et and the federal Defendants, by and through their respective counsel of record, submit the following Joint Motion to Dismiss pursuant to Fed. Rule of Civ. Procedure Rule 41(a)(2), and show:

---

<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), John F. Kelly automatically replaced Jeh Johnson as the Secretary of the U.S. Department of Homeland Security.

<sup>2</sup> Pursuant to Fed. R. Civ. P. 25(d), James McCament automatically replaced Leon Rodriguez as the Acting Director of the U.S. Immigration and Citizenship Services.

I.

On April 7, 2017, U.S. Immigration and Customs Enforcement filed a Notice to Appear with the Dallas Immigration Court, placing Mr. Ziahet in removal proceedings under 8 U.S.C. § 1229a. Counsel for the Plaintiffs has been notified that Mr. Ziahet has received a hearing date before the Dallas Immigration Court. As it relates to his Notice to Appear, for that reason, the Plaintiffs no longer desire to proceed with this pending litigation and request that the case be dismissed without prejudice.

II.

Counsel for the Defendants joins in the Plaintiffs' request that the pending litigation be dismissed without prejudice.

WHEREFORE, PREMISES CONSIDERED, all parties request that the Court dismiss this cause without prejudice, with each party to bear their own costs, expenses, and attorney fees.

Respectfully submitted,

/s/ RYANNE KONAN  
RYANNE KONAN  
Ryanne Konan Law Office  
4 Marshall Rd., Suite 107  
Wappingers Falls, NY 12590  
(888) 536-1434  
(845) 231-0508 (fax)

Counsel for Plaintiffs

BRIT FEATHERSTON  
ACTING UNITED STATES ATTORNEY

/s/ Ruth Harris Yeager  
RUTH HARRIS YEAGER  
Assistant United States Attorney  
Texas Bar No. 09092700  
110 N. College, Suite 700  
Tyler, TX 75702  
(903) 590-1400  
(903) 590-1436 (fax)

Counsel for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of July, 2017, a true and correct copy of the Joint Motion to Dismiss has been electronically served on counsel of record, addressed to:

Ryanne Guy Konan  
Ryanne Konan Law Office  
4 Marshall Rd., Suite 107  
Wappingers Falls, NY 12590

/s/ Ruth Harris Yeager  
RUTH HARRIS YEAGER